

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

BILLY N. WHEATER K4849

PLAINTIFF

vs.

CIVIL ACTION NO. 3:13-CV-813 HTW-LRA

FRANK SHAW, MAJOR SMITH, ET AL.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter comes on pursuant to the Report and Recommendation of United States Magistrate Judge Linda R. Anderson and the plaintiff's written objection [docket no. 68] to the proposed findings and recommendation. Based upon the evidence therein contained, this court, having given full consideration to the aforesaid objection, finds the same not well taken. Therefore, the Report and Recommendation of the United States Magistrate Judge [docket no.67] is hereby adopted as the order of this court and the defendants' motions for summary judgment [docket nos. 50, 52, and 55] are granted. Plaintiff's complaint is dismissed without prejudice for failure to exhaust administrative remedies.

**SO ORDERED AND ADJUDGED, this the 26<sup>th</sup> day of February, 2016.**

s/ HENRY T. WINGATE  
UNITED STATES DISTRICT JUDGE